

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CR-07-00005-003

May 11, 2007
9:30 a.m.

UNITED STATES OF AMERICA -vs- KELVIN CEPEDA

PRESENT: HON. ALEX R. MUNSON, CHIEF JUDGE PRESIDING
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE SHMULL, COURT REPORTER
CRAIG MOORE, ASSISTANT U.S. ATTORNEY
DAVID BANES, ATTORNEY FOR DEFENDANT
KELVIN MATAGOLAI CEPEDA, DEFENDANT

PROCEEDINGS: ARRAIGNMENT

Defendant **KELVIN CEPEDA** appeared with court-appointed counsel, Attorney David Banes. Government was represented by Craig Moore, AUSA. U. S. Probation Officer, Melinda Brunson was also present.

Defense stated that they were ready to proceed with the Arraignment.

Defendant was sworn and advised of his constitutional rights.

Defendant waived reading of the indictment and pled **NOT GUILTY** to the charges against him. Court set jury trial for **JULY 9, 2007 at 9:00 a.m.** Pretrial motions shall be filed by **May 25, 2007.**

Government moved that the defendant be released on conditions and that he post a \$500 cash bail; that he have no contact with Paul Ada or Norbert Camacho. Defense argued on the behalf of the Defendant.

Defense called potential third-party custodian:

LUIS MATAGOLAI CEPEDA, JR. (Defendant's younger brother). DX. CX.

Government argued that the defendant's younger brother would not have control over his older brother and would not be an appropriate third-party custodian. Defense argued.

Court found that the **LUIS MATAGOLAI CEPEDA, JR.** did qualify as a third-party custodian and ordered that the defendant be released to the 3rd party custodian on the following

conditions:

1. That the defendant shall submit to pretrial services supervision under the direction of the United States Probation Office and abide by all standard conditions and that he must report at any time as requested;
2. The defendant must not leave the island of Saipan without written permission from the Court;
3. That the defendant shall not commit any offense in violation of federal, state or local law while on release in this case;
4. That the defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
5. That the defendant execute a secured bond in the amount of \$500.00;
6. That the defendant shall surrender his passport and any other travel documents and not obtain any other travel documents or passport;
7. That he refrain from possessing firearms, destructive device, or other dangerous weapons, or to have such items at his residence;
8. That he refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 USC 802, unless prescribed by a licensed medical practitioner who is licensed in the CNMI;
9. That he submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing;
10. That the defendant shall draw a map indicating the location of his residence and provide a contact telephone number;
11. That the defendant shall participate in the electronic monitoring program and abide by all the requirements of that program. The defendant shall be under house arrest except for the times he is at his employment; visiting with his attorney or for any emergency situation (or as approved by the U.S. Probation Officer). Further, the defendant shall pay for the cost of the program based on his ability to pay as determined by the pretrial services office or supervising officer;
12. That the defendant shall refrain from any and all alcohol; and

13. That the defendant shall have no contact whatsoever with co-defendants Paul V. Ada or Norbert B. Camacho unless he is in the presence of his attorney and for the purpose of preparation of his case for trial.

The defendant was remanded into the custody of the U.S. Marshal until further order of the Court.

Adj. 9:50 a.m.

/s/K. Lynn Lemieux, Courtroom Deputy